IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1906 OF 2005

IN

SUIT NO.732 OF 2003

Devkinandan Kanodia .. Plaintiff

versus

S.S.Jain & Co (Bombay) & ors .. Defendants

...

Mr.Ashok Verma i.b N.B.Jagad for Plff

Mr U.J.Makhija with Mr K.J.Gandhi i.b Mulla & Mulla for Deft no.3

CORAM : D.G. KARNIK, J

DATED : 8th July 2005.

P.C.

1. This motion is taken out by the defendant no.3 for condonation of delay of the written statement. Suit is listed on board for hearing without written statement. Learned counsel for the parties state that in view of Rule 156 of the Bombay High Court

(Original Side) Rules 1980 motion would be required to be heard by me as it affects the position of the suit on the board and not by the motion Judge. Submission is accepted and the motion is taken up for hearing by consent.

2. For the reasons stated in the affidavit in support of the motion delay an filing of the written statement is condoned subject to payment of costs of Rs.2000/- as compensatory and exemplary costs. A sum of Rs.1000/- to be paid to the plaintiff as compensatory costs and Rs.1000/- to the Maharashtra State Legal Services Authority by way of exemplary costs.

3. Motion is allowed in terms of prayer clauses (a) and (b) subject to payment of costs of Rs.2000/- as above.

D.G.KARNIK, J